Supreme Court, U.S.
FILED

05-479 AUG 4 - 2005

OFFICE OF THE CLERK

No. 045241

In The

Supreme Court of the United States

Emory Alvin Michau, Jr.,
Petitioner,
vs.
Ruth Jones
Respondent

On Petition For A Writ Of Certiorari To The United States Court Of Appeals District of Columbia

---

PETITION FOR A WRIT OF CERTIORARI

Emory Alvin Michau, Jr.
Detainee No. 552428
Chas. Co. Det. Ctr.; 3G
3841 Leeds Avenue
Charleston, SC 29405

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT
JUL 30 2004
RECEIVED

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Emory Alvin Michau, Jr. USCA No. 04-5241

v.

FILED
AUG 04 2004
NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Ruth Jones; et al USDC No. 04CV00655

ORIGINAL

MOTION FOR LEAVE TO PROCEED ON APPEAL IN FORMA PAUPERIS

I, Emory Alvin Michau, Jr, declare that am the ☒ appellant/petitioner ☐ appellee/respondent in the above-entitled proceeding. In support of this motion to proceed on appeal without being required to prepay fees, costs or give security therefore, I state that because of my poverty I am unable to prepay the costs of said proceeding or to give security therefore. My affidavit or sworn statement is attached.

I believe I am entitled to relief. The issues that I desire to present on appeal/review are as follows: (Provide a statement of the issues you will present to the court. You may continue on the other side of this sheet if necessary.)

Petitioner claims an entitlement to due process, equal protection of the laws and to petition the government for redress of grievances. Petitioner alleges these, and other rights are being violated by the acts of Ms. Ruth Jones who continually removes his submissions to the Court from the Court's possession by failing to act upon them in accordance with the rules of that court, or to act at all (Over)

Note: Information which was entered on back of this document was not returned to petitioner.

Signature _____

Name of Pro Se Litigant (PRINT) Emory Alvin Michau, Jr

Address 552428; Chas. Co. Det. Ctr, Seg 1

3841 Leeds Avenue, Charleston, S. C. 29405

Submit original with a certificate of service to:

Clerk, U. S. Court of Appeals
For the D. C. Circuit
Rm. 5423, E. Barrett Prettyman U. S. Courthouse
Washington, DC 20001

3841 LEEDS AVENUE

FILED

Submit original with a certific

AUG 26 2004

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Leave to file without
Prepayment of Cost GRANTED

Judge C Kollar-Kotelly

8/19/04

QUESTIONS PRESENTED

1. Is each and every employee of the United States Supreme Court in the unique position of being unreachable by a Writ of Mandamus to perform their administrative duties?

2. Where malfeasance and unlawful acts and omissions of a gatekeeper employee of this Federal Court repeatedly prevents the filing of petitions privileged by the First Amendment, what recourse does a prisoner have to present for correction the fact of that unlawful conduct to an officer of the court, where the employee personally intercepts all correspondence even when addressed 'personal" to a court official and posted by registered mail?

3. Was the court of Appeals of the District of Columbia correct in affirming the United States District Court, where it found all low level employees of this Court beyond the reach of a Writ of Mandamus to perform administrative duties, even where all attempts to administratively cure the malfeasance have been surreptuously blocked by that employee?

4. Where low level employees are granted the power to act in the stead of the Clerk of this Court, do conflict of interest policies prevent or allow them the privilege to solely respond to complaints submitted against them?

5. Is a properly constituted and timely filed petition entitled to filing herein?

LIST OF PARTIES

The parties to the proceedings below are the Petitioner, Emory Alvin Michau, Jr, and Respondent, Ruth Jones. All parties appear in the caption of the case on the cover page.

RULE 29.6 STATEMENT

Petitioner is a natural person and not a corporation.

RELATED CASES

Petitioner is unaware of any related cases before the Supreme Court.

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APPENDIX A	The February 9, 2005 opinion of The United States Court of Appeals for the District of Columbia No. 04-5241
APPENDIX B	The April 15, 2004 opinion of United States District Courts, District of Columbia No. 04-0655
APPENDIX C	The June 16, 2005 Order denying the Petition for Rehearing.
APPENDIX D	The June 16, 2005 Order denying the Petition for Rehearing en banc.
APPENDIX E	The Record on Appeal as filed in the Court of Appeals
APPENDIX F	Letter from respondent covering the return of documents served upon her to petitioner.
APPENDIX G	Postage purchased and mailed at the time of the submission of, both mailings of the Petition for Writ of Certiorari to this Court, on direct appeal of right.

TABLE OF CITED AUTHORITIES

Cases Page

Botntrager v Stevas, 772 F2d 419 (8th Cir.) cert. denied 474 U.S. 1008 (1985) 11, 12, 13

Marin v Suter, 956 F2d 339 (D.C. Cir. 1942)..... 11, 13

Panko v Rodak, 606 F2d 168 (7th Cir. 1978) cert. Denied, 444 U.S 1081 (1980)..... 11, 13

PETITION FOR WRIT OF CERTIORARI

Petitioner-Plaintiff Emory Alvin Michau, Jr., respectfully petitions for a Writ of Certiorari to review the judgment in opinions below.

OPINIONS BELOW

The opinion of the United States Court of Appeals appears at Appendix A to the petition and is unpublished.

The opinion of the United States District Court appears at Appendix B to the petition and is unpublished.

The order denying a timely petition for rehearing appears at Appendix C to the petition and is unpublished.

The order denying a timely petition for rehearing in banc appears at Appendix D to the petition and is unpublished.

STATEMENT OF JURISDITION

The date the United States Court of Appeals decided this case was February 9, 2005.

A timely petition for rehearing was denied by the United States Court of Appeals on June 16, 2005 and a copy of the order denying rehearing appears at Appendix C.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254 (1).

STATUTES AND REGULATIONS INVOLVED

Statutes and Regulations

28 U.S.C. § 1746

Supreme Court Rule 14

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

CONSTITUTION OF THE UNITED STATES

Amendment I: Lack of access to a United States Constitution prevents textual expoundment.

Amendment V: No person shall...be deprived of life, liberty, or property, without due process of law...

Amendment VI: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial...

Amendment XIV: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property without due process of law; nor to deny any person within its jurisdiction the equal protection of the laws.

Article III § 2: The judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made or which shall be made under their authority;...In all other cases mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and to fact, with such exceptions, and under such regulations as the Congress shall make.